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Message Text

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PAGE 01 STATE 049778
ORIGIN OES-06

INFO OCT-01 ARA-06 EUR-12 EA-07 NEA-10 ISO-00 L-03 SIG-01
ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
COME-00 DLOS-06 DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05
FEAE-00 FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13
JUSE-00 NSAE-00 NSC-05 NSF-01 OMB-01 PA-01 PM-04
PRS-01 SP-02 SS-15 USIA-06 SAL-01 /144 R

DRAFTED BY OES/OFA/MST:WLSULLIVAN:MJB
APPROVED BY OES/OFA:RLRIDGWAY
OES/OFA/FA - MR. ZUCCA (SUB)
L/OES - M. E. HOINKES (DRAFT)
EUR/RPE - MR. SALISBURY (SUB)
EUR/SOV - MR. COLBERT (SUB)
----------071714Z 057959 /45
R 071526Z MAR 77
FM SECSTATE WASHDC
TO USMISSION EC BRUSSELS
AMEMBASSY BONN
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY THE HAGUE
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY LUXEMBOURG
AMEMBASSY ROME
AMEMBASSY BRUSSELS
INFO USMISSION NATO
AMEMBASSY OTTAWA
AMEMBASSY MEXICO
AMEMBASSY MOSCOW
AMEMBASSY TOKYO
AMCONSUL CASABLANCA
USNMR SHAPE

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E.O. 11652: N/A

TAGS: EEC, OCLR, TPHY, EFIS, PLOS

SUBJECT: SCIENTIFIC RESEARCH IN THE FISHERY CONSERVATION

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ZONE

REF: (A) EC BRUSSELS 1962; (B) STATE 42826

1. U.S. HAS LONG BEEN STRONG ADVOCATE OF MAXIMUM FREEDOM FOR MARINE SCIENTIFIC RESEARCH IN BELIEF RESULTS OF SUCH RESEARCH, NO MATTER BY WHOM CONDUCTED, BENEFIT WORLD COMMUNITY. SCIENTIFIC RESEARCH INCLUDES FISHERIES RESEARCH CONDUCTED WITHIN 200 MILE FISHERIES ZONE. RESOURCE INTERESTS ARE PROTECTED BY CONTROLS ON FISHING. THE U.S. CONSIDERS COOPERATION IN RESEARCH ESPECIALLY BENEFICIAL SINCE IT AUGMENTS INDIVIDUAL EFFORTS. THIS U.S. POLICY REFLECTED IN SPECIFIC INCLUSION OF SCIENTIFIC RESEARCH EXCLUSION IN FCMA, INCLUSION OF COOPERATIVE RESEARCH PROVISIONS IN GIFA, AND REPEAL OF FORMER CONTROLS ON FISHERIES RESEARCH IN FORMER U.S. 3-12 MILE FISHERIES ZONE BY FCMA (WE WILL CONTINUE TO RECOGNIZE FOREIGN CONTROLS, HOWEVER, OTHER FISHERIES RESEARCH TO 12 MILES WHERE OTHER NATIONS EXERT SUCH CONTROLS.)

2. WHILE TULLY'S COMMENT, PARA 2 OF REF A, MAY BE NO MORE THAN OFF-HAND OBSERVATION, WE WOULD BE DISTURBED

BY PROPOSAL THAT EC CONSIDER CONTROLS OVER SCIENTIFIC RESEARCH WITHIN ITS FISHERY ZONE. WE ARE ALSO CONCERNED THAT SUCH CONTROLS MIGHT BE IMPOSED IN BELIEF THAT SCIENTIFIC RESEARCH COULD BE UTILIZED IN CIRCUMVENTING LEGITIMATE CONTROLS OVER FISHING. IF LATTER WAS ATTEMPTED IT COULD UNDERMINE BOTH OUR INTERESTS

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IN PROMOTING SCIENTIFIC RESEARCH AND FISHERIES CONSERVATION AND MANAGEMENT REGIMES. THIS MATTER WAS CAREFULLY CONSIDERED IN DEVELOPING POLICY GUIDELINES TRANSMITTED REF B. OUR CONCLUSION WAS THAT THIS IS GROUNDLESS FEAR, AND THAT GUIDELINES COULD BE DEVELOPED WHICH CAN DISTINGUISH BETWEEN FISHERIES RESEARCH AND "FISHING".

3. MUCH FISHERIES RESEARCH DOES NOT INVOLVE THE ACTUAL TAKING OF FISH, SUCH AS MEASUREMENTS OF TEMPERATURE, SALINITY, NUTRIENTS, PLANKTON, AND LARVAE. SOME FISHERIES RESEARCH MAY INVOLVE TAKING FISH, BUT IN SUCH SMALL QUANTITIES WITH SAMPLE NETS AS TO HAVE NO PRACTICAL SIGNIFICANCE. EVEN WHEN SUCH RESEARCH IS CONDUCTED FROM FISHERY RESEARCH VESSELS WHICH MAY BE SIMILAR TO FISHING VESSELS IN APPEARANCE, OR EVEN FROM CHARTERED FISHING VESSELS, IT SHOULD BE READILY DISCERNIBLE TO OBSERVATION DUE TO THE TYPE OF EQUIPMENT IN USE AND/OR THE QUANTITIES BEING TAKEN. VERY SIMILAR OR IDENTICAL ACTIVITIES MAY BE UNDERTAKEN IN BIOLOGICAL

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OCEANOGRAPHY OR OTHER FORMS OF RESEARCH, SUCH AS
PHYSICAL AND CHEMICAL OCEANOGRAPHY. WE HAVE NO FEAR OF
SUCH ACTIVITIES, WELCOME THEM, AND BELIEVE WE WILL HAVE
NO DIFFICULTY IN DISTINGUISHING THEM FROM "FISHING".
WE MAKE NO CLAIM WHATSOEVER TO CONTROLS OVER SUCH
ACTIVITIES UNDER FCMA AND DO NOT RECOGNIZE ANY FOREIGN
CLAIMS TO CONTROL THEM OUTSIDE 12 MILES.

4. SOME FISHERIES RESEARCH DOES INVOLVE USE OF COMMERCIAL
GEAR AND/OR THE TAKING OF FISH IN COMMERCIAL QUANTITIES.
OUR CONCLUSION IS THAT SUCH ACTIVITIES SHOULD BE CON-
SIDERED TO BE "FISHING" AND CONTROLLED IN ACCORDANCE WITH
FCMA UNLESS CARRIED OUT IN FULL COOPERATION WITH THE
COASTAL STATE, IN WHICH CASE NO PERMIT IS REQUIRED AS
NOTED IN REF B. ALSO AS NOTED IN REF B, IT IS ANTICIPATED
THAT MOST IF NOT ALL FISHERIES RESEARCH, INCLUDING THAT
USING COMMERCIAL GEAR AND/OR TAKING COMMERCIAL QUANTITIES,
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WILL BE CARREED OUT IN FULL COOPERATION WITH THE COASTAL
STATE'S FISHERIES AGENCY, SUCH AS OUR NMFS, IN ACCORDANCE
WITH RESEARCH PROGRAMS COORDINATED BY SUCH ORGANIZATIONS
AS ICNAF AND ICES AND IN ACCORDANCE WITH RESEARCH
PROGRAMS CONDUCTED PURSUANT TO GIFAS AND OTHER
BILATERAL ARRANGEMENTS. OUR EXPERIENCE INDICATES

MOST IF NOT ALL FISHERIES RESEARCH OFF FOREIGN COASTS
IS CONDUCTED IN SUCH COOPERATIVE MANNER, AT LEAST
AMONGST ADVANCED COUNTRIES. ENFORCEMENT OFFICERS
SHOULD BE ABLE TO READILY DISCERN WHEN COMMERCIAL GEAR
IS IN USE AND/OR COMMERCIAL QUANTITIES ARE BEING TAKEN.
IF COMMERCIAL GEAR IS BEING USED, OR COMMERCIAL
QUANTITIES BE TAKEN OTHER THAN PURSUANT TO A COOPERA-
TIVE RESEARCH ARRANGEMENT OR A FISHING PERMIT,
APPROPRIATE ENFORCEMENT ACTION CAN THEN BE TAKEN.

5. THERE MAY BE A FEW CASES WHERE IT IS DIFFICULT TO
TELL IF THE ACTIVITY IS ACTUALLY RESEARCH OR FISHING,
BUT WE DO NOT EXPECT VERY MANY. IN SUCH CIRCUMSTANCES
WE INTEND TO ACT WITH RESTRAINT, FOR WE BELIEVE THE
PROMOTION OF RESEARCH TO BE FAR MORE VALUABLE THAN THE
SMALL AMOUNT OF FISH THAT MAY BE LOST IN SUCH CIRCUM-
STANCES.

6. FURTHER, WE BELIEVE THAT THERE WILL BE FEW NATIONS
INDEED THAT WOULD RISK JEOPARDIZING THE ISSUANCE OF
FUTURE FISHING PERMITS BY ATTEMPTING TO UNDERTAKE
FISHING UNDER THE GUISE OF SCIENTIFIC RESEARCH. WOULD
THE SMALL AMOUNT OF FISH THEY MIGHT CATCH BE WORTH THE
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IN OR DENIED FISHING PERMITS? WE THINK NOT.

7. AT THE PRESENT TIME THERE ARE SEVERAL FOREIGN FISHERIES RESEARCH VESSELS OPERATING IN OR ABOUT TO OPERATE IN THE U.S. ZONE IN COOPERATION WITH NMFS,
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INCLUDING THE "ANTON DOHRN" FROM FRG. IN A FEW CASES PERMITS HAVE BEEN SOUGHT AND THE RESPONSE HAS BEEN AND WILL BE THAT THEY ARE NOT NEEDED.

8. WE HAVE EXTENSIVE COOPERATIVE FISHERIES RESEARCH ARRANGEMENTS WITH SOVIETS. THEY ARE TRULY COOPERATIVE AND WE DO NOT BELIEVE SOVIETS WILL ATTEMPT TO CIRCUM-VENT GIFA ARRANGEMENTS UNDER GUISE OF SCIENTIFIC RESEARCH.

9. AT LAST COUNT AT LEAST 23 NATIONS CLAIM CONTROL OVER ALL SCIENTIFIC RESEARCH OR AT LEAST OVER FISHERIES RESEARCH WITHIN THEIR 200 MILE ZONES. WE CONSIDER THIS A VERY SERIOUS DEVELOPMENT, WHICH COULD BE INTENSIFIED IF KNOWLEDGEABLE AND SOPHISTICATED NATIONS SUCH AS EC MEMBERS WERE TO ASSERT CONTROLS OVER SCIENTIFIC RESEARCH, AND WE HOPE THAT THEIR TRADITIONAL POLICY OF PROMOTING MARINE SCIENTIFIC RESEARCH WILL CONTINUE UNIMPAIRED.

10. IN ADDITION TO USEC MAKING THESE POINTS IN

RESPONSE TO TULLY'S COMMENT, DEPT. WISHES THEM MADE DIRECTLY IN EC CAPITALS IN FOLLOW UP TO REF B PRESENTA-TION, WITHOUT HOWEVER SPECIFICALLY ATTRIBUTING COMMENT REF A TO TULLY. WE WOULD BE HAPPY, OF COURSE, TO DISCUSS THIS ISSUE FURTHER WITH ANYONE INTERESTED.

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DRAFTED BY OESXOFA/MST:WERB:MJB
APPROVED BY OES/OFA/MST:WERB
----------201728Z 101338 /43
R 201010Z MAY 77
FM SECSTATE WASHDC
TO AMEMBASSY SANTO DOMINGO

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E.O. 11652: N/A

TAGS: EEC, OCLR, TPHY, EFIS, PLOS

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FOLLOWING IS A REPEAT
QUOTE
R 071526Z MAR 77
FM SECSTATE WASHDC
TO USMISSION EC BRUSSELS
AMEMBASSY BONN
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Message Attributes

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Disposition Approved on Date:
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Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Executive Order: N/A
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From: STATE
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Litigation History:
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Reference: 77 EC BRUSSELS 1962, 77 STATE 42826
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Secure: OPEN
Status: NATIVE
Subject: SCIENTIFIC RESEARCH IN THE FISHERY CONSERVATION ZONE
TAGS: OCLR, TPHY, EFIS, PLOS, US, EEC
To: EC BRUSSELS BONN MULTIPLE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/d14981bc-c288-dd11-92da-001cc4696bcc
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